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5 Attorneys for Defendant,
CLARKE MOSQUITO CONTROL PRODUCTS, INC.,
6 erroneously sued as Clarke Mosquito Control, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TO THE COURT AND ALL ATTORNEYS OF RECORD:

18 Plaintiff MICHELLE MILLER (“Plaintiff”) alleges both an action for negligence and
19 products liability. Plaintiff alleges that she was exposed to Mosquito Mist and as a result was
20 injured. Mosquito Mist is a larvecide that Defendant CLARKE MOSQUITO CONTROL
21 PRODUCTS, INC. (“Clarke Mosquito”) formulated and distributed. Plaintiff contends that among
22 other things, Clarke Mosquito had knowledge of the hazards to humans, and by not adequately
23 warning of the dangers of the product, it breached its duty of care to Plaintiff. She contends she
24 was exposed to Mosquito Mist while living in the Cayman Islands. The application of Mosquito
25 Mist was allegedly done by the Mosquito Control Research Unit (“MCRU”), a division of the
26 Cayman Islands’ government.

27 During the course of its investigation, Clark Mosquito has discovered evidence that plaintiff
28 may have been exposed to another mosquito abatement product, commonly known as Aqua Reslin

1 (active ingredient Permethrin) on the date of the incident that gives rise to this litigation. Aqua
 2 Reslin is manufactured by Aventis Environmental Sciences USA LP which is a wholly owned
 3 subsidiary of Bayer Industries (German company) and distributed by ADAPCO (Sanford, Florida).
 4 It is the parties' (Miller & Plaintiff) intention to bring these companies in as defendants and cross-
 5 defendants. Because plaintiff and defendant intend to bring these companies in as additional
 6 defendants, the currently scheduled dates are not practical. It is respectfully requested that all dates
 7 be continued for an additional 90 days.

8 Further, the assigned Mediator Gregory Wilson notified the ADR administrator that he was
 9 not able to act as mediator in this matter due to conflicts in his schedule. Therefore, a new mediator
 10 will need to be assigned. A conference with the ADR office was recently held and they are in
 11 agreement with the requested continuance.

12 The following are the current litigation dates that are set in this matter:

13	1. Mediation cut-off date :	March 31, 2006
14	2. Fact/Discovery cut-off date:	April 14, 2006
15	3. Further Case Management Conference:	April 28, 2006
16	4. Plaintiff's Expert Reports Disclosure:	June 15, 2006
17	5. Last day to hear dispositive motions:	June 23, 2006
18	6. Defendant's Expert Reports Disclosure:	July 14, 2006
19	7. Pre-trial Status Conference:	August 21, 2006
20	8. Trial:	September 11, 2006

21 Dated: March 1, 2006

LEWIS BRISBOIS BISGAARD & SMITH LLP

By

Steven G. Galley, Esq.
Attorneys for Defendant
CLARKE MOSQUITO CONTROL PRODUCTS, INC.,

25 Dated: March 2, 2006

LAW OFFICES OF ROGER RUBIN

By

Roger Rubin, Esq.
Attorneys for Plaintiff
MICHELLE MILLER

4820-7245-1072.1

STIPULATION TO EXTEND ALL LITIGATION DATES; AND [PROPOSED] ORDER

-2-

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2 **[PROPOSED] ORDER**
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4 Based upon the Stipulation by and between Plaintiff and Clarke Mosquito, it is ordered that the
5 parties shall have an extension of the scheduled litigation dates as follows:
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7 1. Mediation cut-off date: June 30, 2006
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9 2. Fact cut-off date: July 14, 2006
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11 3. Further Case Management Conference: August 4, 2006 at 1:30 p.m.
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13 4. Plaintiff's Expert Reports are due: September 15, 2006
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15 5. Last day to hear dispositive motions: September 22, 2006 at 9:00 a.m.
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17 6. Defendant's Expert Reports are due: October 20, 2006
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19 7. Pre-trial Status Conference: November 20, 2006 at 2:00 p.m.
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21 8. Trial is scheduled to begin on: December 11, 2006 at 8:30 a.m.

22 IT IS FURTHER ORDERED:

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24 Dated: March 3, 2006
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Honorable Jeffrey S. White